FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8569 OF 2006

| Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|---|---|

Mr.S.S. Patwardhan for petitioner.
Mr.A.A. Joshi for respondents.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. RCS No. 95 of 1991 was decreed by the learned Joint Civil Judge, J.D. Pandharpur by judgment and order dated 29/4/2000. Being aggrieved by the said decree, the defendants filed Appeal No.137 of 2000 before the District Court at Pandharpur. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 31/7/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in

Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)